REMARKS

Review and reconsideration of the Office Action of June 02, 2005, is respectfully requested in view of the above amendments and the following remarks.

Claims 1-3, 5, and 7-12 (non-elected group) have been cancel.

Claim 13 has been cancel. New Claim 22 has been added. Claim 22 corresponds to cancel Claim 13. Claim 22 has been added to clarify the invention. Entry of new Claim 22 is respectfully requested.

Claim 23 has been added. Support for Claim 23 can be found on table 4 of the specification as originally filed.

The Examiner indicated that the claims are drawn to an incredibly large number of combinations of fragrances. In response, Applicants added Claim 23 to limit the claim to a specific number of fragrances. This amendment was hesitating in view of the Examiner's comments.

Please note that the scope of protection of Claim 23 is narrower than the scope of protection of Claim 22.

No new matter ha been added to the claims by the present amendment.

Applicants' arguments regarding the patentability of the claims can be found below.

Furthermore, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number to arrange a telephone interview.

Office Action

Turning to the Office Action, the paragraphing of the Examiner is adopted.

Detailed Action

The Examiner indicated that Claims 1-3, 5, 7-14, and 16-21 are pending and Applicants' amendments are arguments filed January 31, 2005 have been entered.

Furthermore, the Examiner indicated that Applicants' election with traverse of Group II in the reply filed on January 31, 2005 is acknowledged.

In response, Applicants have cancelled the claims directed to the non-elected group I, namely, Claims 1-3, 5, and 7-12.

Applicants reserve the right of filing a Divisional application directed to the claims of the non-elected group.

Claims Rejections (Anticipation)

The Examiner rejects Claims 13, 14, and 16-20 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Iliff, et al. (US 5,412,958).

The position of the Examiner can be found on pages 4-5 of the Office Action.

Applicants respectfully traverse.

For a reference to anticipate, it must contain all the elements of the Claim.

Applicants note that Claim 22 is directed to a system comprising a) liquid CO_2; and 2) a fragrance system in which the selection of fragrance ingredients is based ac**cording to their relative fabric affinities (y) as defined by the claim, and at least 60% of the compounds, thus, selected have a relative fabric affinity of at least 4.**

Applicants note that the present set of claims includes only one independent claim, namely, Claim 22.

The following remarks are addressed to the sole rejected independent claim, Claim 22, because if Claim 22 is not novel, it follows that none of the other rejected dependent claims are novel.

Compared with the present set of claims, the present invention is novel in view that the cited references fail to recognize that the scent of the present invention: **60 % of the fragrance ingredients have a relative fabric affinity value (y) of at least 4.**

These criteria are critical as shown in the experimentation set forth in the specification (see pages 11 - 23 of the specification). Specifically, on page 15, lines 8 - 15, there is an indication that a fragrance ingredients fraction of at least 60 % with a fabric affinity value of at least 4 **produces a substantive odor on the garment or fabric treated.** Such high substantivity cannot be purposefully achieved with the method

disclosed by the Iliff reference.

The Iliff reference is silent as to which fragrance ingredients should be used in the quantity as claimed in the present application to achieve the desired result.

Furthermore, the reference fails to recognize that the scent of the present invention: **60 % of said fragrance ingredients have a relative fabric affinity value (y) of at least 4.**

The objective technical problem of the invention, therefore, was to provide a process for cleaning soiled garments of fabric materials, so that a substantive odor on the garment or fabric is obtained. This technical problem is solved by the use of a fragrance system, which comprises fragrance ingredients, wherein **at least 60 % of said fragrance ingredients have a relative fabric affinity value (y) of at least 4.**

The present inventors have identified a previously unrecognized parameter (y) that, unlike the teaching of Iliff or Murphy, identifies fragrance systems suitable for use in a liquid CO_2 system. Through extensive experimentation and inventiveness, the present inventors have produced a result-effective variable for this purpose, where none was previously known.

The fabric affinity parameter (y) was previously unrecognized by those of ordinary skill as a result-effective variable (i.e. a variable that achieves a recognized result - the identification of fragrance systems suitable for use in a liquid CO_2 system). Only after a parameter is recognized as a result-effective variable, can the determination of its optimum or workable ranges be considered routine experimentation. MPEP

2144.05(II)(B).

Unfortunately, the Examiner did not recognize the above facts.

Applicants respectfully point out to the Examiner that the Iliff reference does not choose his fragrance based on any criteria. There is BIG difference between choosing the **fragrances randomly and having a criterion to choose which fragrances will produce the expected results.**

In view that the Iliff reference does not contain all the elements of the present Claim 22, the reference does not anticipate this Claim.

The remaining claims are novel in view of their dependency with novel Claim 22.

Accordingly, withdrawal of the rejections is respectfully requested.

Claims Rejections (Obviousness)

The Examiner rejects Claims 13, 14, and 16-21 under 35 U.S.C. 103(a) as being obvious over Murphy (US 6,313,079) in view of Iliff, et al. (US 5,412,958).

The position of the Examiner can be found on pages 5-7 of the Office Action.

Applicants respectfully traverse for the same reasons as set forth above and the following remarks.

Applicants' position regarding the Iliff reference can be found in the previous paragraph.

First, Applicants note that the Murphy reference issued after the filing date of the present invention. Thus, the reference does not qualify as prior art.

In addition, even if the Murphy reference can be used as prior art, Applicants note that the Murphy reference does not **expressly** teach:

1. the use of fragrances in the system,
2. the formula: $y=a0+\Sigma anxn$.
3. the use of **liquid** CO_2, the reference uses of **gaseous** CO_2.

In addition, Applicants note that Murphy does not teach or suggest enduring perfumes suitable for use in a liquid CO_2 cleaning system. Murphy is incapable of doing so because Murphy neither teaches substantivity in liquid CO_2, nor its measurement or prediction.

Applicants note that the reference teaches, as alternative embodiment, adding deodorizing agents to the system. Applicants note that neither the cited reference nor the 5,784,905 Patent (incorporated by reference) **provides a specific list of the deodorizing agents of the present invention**. Nevertheless, they recognize the importance of the y parameter that identifies fragrance systems suitable for use in a **liquid** CO_2 system.

Regarding combining the Iliff and Murphy references

Applicants would like to point out to the Examiner that neither of the references taken alone or in combination teaches the present invention as claimed.

The manipulation of a parameter, which had **not previously been recognized or appreciated** as being a result effective parameter, may be the basis for patentability. In re Antonie (CCPA 1977) 195 USPQ 6. In the present application, the present inventors have identified a previously unrecognized parameter (y) that, unlike the teaching of Iliff or Murphy, identifies fragrance systems suitable for use in a liquid CO_2 system.

In Ex parte Viscardi, 136 USPQ 382. The applicant discovered that addition of carbon dioxide will remove static electricity. The Examiner rejected the application over a reference, which taught addition of carbon dioxide, but for a different reason. The court held that there is merit in the contention that a reference patent does, as urged by the Examiner, inherently provide carbon dioxide, which will remove static electricity. However, in an absence of appreciation by patentee (the reference) of the fact that carbon dioxide will remove static electricity, there is no reason why he, or one skilled in the art following his teaching, should inherently adjust the concentration of carbon dioxide for removal of complete static charge; hence, manipulative steps of applicants' claims do not inherently result from reference's disclosure.

Thus, in the absence of appreciation by patentee Iliff of the fact that the fabric affinity parameter (y), previously unrecognized by those of ordinary skill, help in recognizing the identification of fragrance systems suitable for use with liquid CO_2 in a cleaning system, there is no reason why this inventor,

or one skilled in the art following his teaching, should expect that optimizing the parameter would successfully yield the desired improvement.

Where the prior art has not recognized the result-effective capability of a particular invention parameter, no expectation would exist that optimizing the parameter would successfully yield the desired improvement. *In re Antonie*.

Applicants note that the Examiner even recognized that Murphy fails to teach the specific fragrances ingredients and a fragrance system containing CO2. (Page 6 of the Office Action). These are the two basic points of the present invention; thus, we do not understand why the Examiner can consider the reference to be relevant to the present invention.

In addition, Applicants note that Murphy does not teach or suggest enduring perfumes suitable for use in a liquid CO_2 cleaning system. Murphy is incapable of doing so because Murphy neither teaches substantivity in liquid CO_2, nor its measurement or prediction.

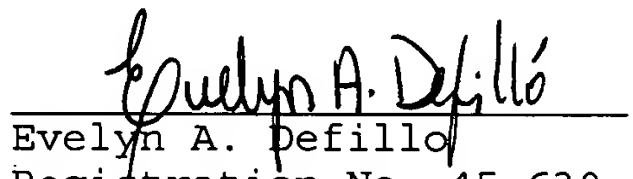
Murphy does not overcome the deficiencies of Iliff because there is no teaching in Murphy that would suggest a better approach, and certainly no teaching that would render obvious either the parameter (y) or the desirability of 60% of the fragrance ingredients having a y-value of at least 4, as recited in the present claims. Further, Murphy does teach that the composition of the fragrance may be varied, and it provides no

guidance as to how this may be achieved for a liquid CO_2 system. For this reason, one of ordinary skill would have had no reasonable expectation of success in modifying the teaching of Murphy to arrive at the presently claimed invention.

Accordingly, withdrawn of the rejections is respectfully requested.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. **The Examiner is respectfully requested to contact the undersigned at the indicated telephone number to arrange a telephone interview.**

Respectfully submitted,



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Date: **October 3, 2005**

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT C AND REQUEST FOR A TELEPHONE INTERVIEW for U.S. Application No. 09/915,716 filed July 26, 2001, was deposited in first class U.S. mail, with sufficient postage, addressed to: Attn: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria VA 22313-1450, on **October 3, 2005**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.

Evelyn A. Defilló

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